

REMARKS¹

By the present Amendment, Applicants propose to amend claim 16 to more appropriately define the invention. Claims 16-17 and 19-24 remain pending.

In the final Office Action, the Examiner maintained the rejection of claims 16-19 and 21-23 under 35 U.S.C. § 103(a) as unpatentable over Holst et al. (U.S. Patent No. 5,955,037), and the rejection of claims 20 and 24 under 35 U.S.C. § 103(a) as unpatentable over Holst et al. in view of Seeger et al. (U.S. Patent No. 5,521,263). Applicants note that claim 18 was canceled by the Amendment submitted on January 20, 2006. Therefore, the rejection of claim 18 is rendered moot. Applicants respectfully traverse the rejections of claims 16-17 and 19-24 for the following reasons.

Regarding the rejection of claims 16-17, 19, and 21-23, Holst et al. fails to teach or suggest each and every element of these claims. For example, independent claim 16 recites, inter alia,

providing a powder-collection apparatus, coupled to a bottom of the chamber **via a first gate and a second gate, to allow continuous removal** from the chamber and the powder-collection apparatus of powder produced by the reaction of the residual gas, the inert gas, and the reactive gas in the chamber, **without shutting down the system** . . .

Claim 16, emphasis added.

The Examiner apparently considered Holst et al.'s eductor as corresponding to Applicants' claimed powder-collection apparatus. Office Action, page 3. However, as Applicants previously noted, Holst et al.'s eductor is not coupled to a chamber "via a first gate and a second gate," as required by claim 16. Amendment and Remarks of January 20, 2006, page 7. Therefore, Holst et al. fails to teach or suggest at least

¹ The Office Action contains statements characterizing the related art and the claims. Regardless of whether any such statements are specifically identified herein, Applicants decline to automatically subscribe to any statements in the Office Action.

“providing a powder-collection apparatus coupled to a bottom of the chamber via a first gate and a second gate,” as required by claim 16, emphasis added.

The Examiner alleged that “[i]t would have been obvious to one of ordinary skill in the art to expect the process and apparatus as taught by Holst et al. to have been capable of the continuous removal of powder from both the chamber and eductor/filtration apparatus.” Office Action, page 3. Applicants disagree. Holst et al. merely teaches using “a suitable filtration module[] to permit filtration of the eductor discharge.” Host et al., col. 15:6-8. Holst et al. does not teach or suggest continuous removal of the eductor discharge “without shutting down the system,” as required by claim 16. It would not have been obvious for one skilled in the art, in view of Holst et al.’s teachings, to continuously remove “powder produced by the reaction of the residual gas, the inert gas and the reactive gas in the chamber, without shutting down the system,” as required by claim 16, emphasis added.

In view of the above, Holst et al. fails to teach or suggest at least

providing a powder-collection apparatus coupled to a bottom of the chamber via a first gate and a second gate to allow continuous removal from the chamber and the powder-collection apparatus of powder produced by the reaction of the residual gas, the inert gas and the reactive gas in the chamber, without shutting down the system . . .

Claim 16, emphasis added. No prima facie case of obviousness can be established.

Claim 16 is therefore allowable over Holst et al.

Claims 17 and 19 depend from claim 16, and are allowable at least because of their dependence from an allowable base claim.

In addition, independent claim 21 recites, inter alia,

providing a powder-collection apparatus coupled to a bottom of the chamber via a first gate and a second gate, wherein, during an

operation of the chamber, said first gate and said second gate collectively operate to **allow continuous removal** of powder from the powder-collection apparatus **without interruption of the operation of the chamber** . . .

For reasons similar to those set forth above regarding claim 16, claim 21 is allowable over Holst et al. Claims 22-23 depend from claim 21 and are also allowable at least because of their dependence from an allowable base claim.

Regarding the rejection of claims 20 and 24 as unpatentable over Holst et al. in view of Seeger et al., Applicants incorporate the reasoning presented in the Amendment and Remarks submitted on January 20, 2006, and respectfully request that the Examiner reconsider and withdraw this rejection and allow claims 20 and 24. At the very least, Holst et al. and Seeger et al., taken alone or in combination, fail to teach each and every element of claims 20 and 24. Therefore, the rejection of claims 20 and 24 over Holst et al. and Seeger et al. should be withdrawn, because a prima facie case of obviousness cannot be established.

In view of the foregoing, Applicants respectfully request reconsideration of this application and the timely allowance of pending claims 16-17 and 19-24.

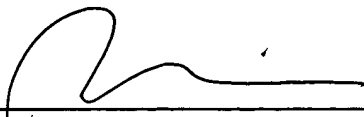
Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account no. 06-0916.

Respectfully submitted,

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Dated: September 26, 2006

By: _____


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